

REMARKS

Reconsideration of the Examiner's rejection of the present application is requested respectfully in view of the above amendments and the following remarks. In accordance with Rule 1.116, the amendments to the claims are to comply with requirements of form or to present the claims in better form for consideration on appeal.

STATUS OF THE CLAIMS

Claims 1-12 were pending at the time of the present Office Action, with claims 8-12 withdrawn from consideration as non-elected under a restriction requirement. Claims 1 and 7 have been amended. Claims 2-5 and withdrawn claims 9-12 have been cancelled. No claims have been added. No new matter has been added by these amendments. Therefore, claims 1, 6 and 7 and withdrawn claim 8 are now presented for review.

SUMMARY OF OFFICE ACTION

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brendel et al. US 6,531,495 (Brendel '495) in view of Smith et al. US Pub. No. 2002/0161018 (Smith).

DISCUSSION

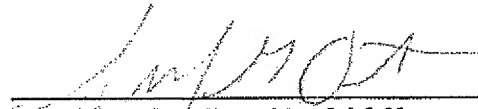
Although Claims 1-7 stand rejected under 35 U.S.C. §103(a), the Examiner has indicated at page 3 of the present Action that there is sufficient evidence supporting synergism for the combination of Example 1 with ibutilide and dofetilide. These combinations were specifically set forth in claim 5. In accordance with the present amendments, these combinations of claim 5 have now been moved into independent claim 1, and claims 2-5 have been cancelled. Claim 6 and claim 7 are directed to a composition and a product, respectively, comprising the combination of claim 1. Applicants reserve the right to file continuing application(s) directed to subject matter herein deleted. In view of the above amendment and discussion, the Examiner is respectfully requested to reconsider and withdraw the present rejection under 35 U.S.C. §103(a).

Withdrawn claim 8 is a method of using the combination claimed in claim 1, and claims 9-12, dependent therefrom, have been cancelled. Rejoinder and allowance of this method of use claim is also respectfully requested.

It is submitted that the claims in the present application are now in condition for allowance, and action to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment resulting from this Amendment to Deposit Account 18-1982.

Respectfully submitted,



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